


BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2002-13-T - ORDER NO. 2002-282

APRIL 11, 2002

IN RE: Application of MoveMart, Inc., 113 Bombay)	ORDER GRANTING
Drive, Columbia, SC 29209 for a Class E)	CLASS E CERTIFICATE
Certificate of Public Convenience and)	
Necessity)	



This matter comes before the Public Service Commission of South Carolina (the Commission) on the Application of MoveMart, Inc. (MoveMart or the Company) for a Class E Certificate of Public Convenience and Necessity to transport household goods between points and places in Richland, Lexington, and Aiken Counties, South Carolina.

The Commission's Executive Director instructed MoveMart to publish a Notice of Filing in a newspaper of general circulation in the service area desired. The Notice of Filing instructed the public as to how to file pleadings to participate in the proceedings on the Application. No Petitions to Intervene or Protests were received.

A hearing on MoveMart's Application was held on April 3, 2002 at 2:30 PM in the offices of the Commission. The Honorable William Saunders, Chairman, presided. The Company was represented by Randolph R. Lowell, Esquire and Reggie Lloyd, Esquire. MoveMart presented the testimony of James J. Conner. The Commission Staff was represented by F. David Butler, General Counsel. The Staff presented no witnesses.

James J. Conner, General Manager of the Company, testified that he had been associated with the moving business since 1955, and had participated in virtually every

phase of the business. Conner stated that he had been in possession of USDOT authority for interstate moves since 1999, and routinely moves customers on an interstate basis to and from Fort Jackson and Department of Energy facilities. According to Conner, he has had requests to move persons between points and places in Richland, Lexington, and Aiken Counties quite often after he has moved them on an interstate basis, but he has had to turn down the business because he had no intrastate authority.

Conner stated that he owns all of his own equipment, including 6 trucks, 7 trailers, and vans. MoveMart has 5 employees at the time of the hearing, but has 13 to 14 during its busy season. The Company has 3 drivers with Commercial Driver's Licenses. Conner noted that there were no judgments against the Company.

In addition, Conner noted that while he is General Manager of the Company, his wife is President of the Company.

S.C. Code Ann. Section 58-23-590(C) (Supp. 2001) states that the Commission shall issue a common carrier certificate of public convenience and necessity if the applicant proves to the Commission that: (1) it is fit, willing, and able to properly perform the proposed service and comply with the provisions of this chapter and the Commission's regulations and (2) the proposed service, to the extent to be authorized by the certificate or permit, is required by the present public convenience and necessity.

Upon consideration of this matter, we find that MoveMart, Inc. has demonstrated that it is fit, willing, and able to perform the services sought by the Application. The testimony of Mr. Conner reveals that MoveMart is fit, willing, and able under the standards contained in 26 S.C. Regs. 103-133. Further, the testimony of Mr. Conner

indicates that the proposed service is required by the present public convenience and necessity. We would note that we have previously waived the shipper witness requirement of Regs. 103-133 when an Applicant requests authority in three contiguous counties. Such is the case here, therefore we waive the shipper witness rule, and hold that the applicant may furnish evidence on the “public convenience and necessity.”

Based upon the record before the Commission and the statutory requirements along with the guidelines contained in the Commission’s regulations, we find sufficient evidence to grant the Application and therefore grant to MoveMart, Inc. a Class E Certificate of Public Convenience and Necessity for the movement of household goods as defined in R. 103-210(1) between points and places in Richland, Lexington, and Aiken Counties, South Carolina. This grant of authority is contingent upon compliance with all Commission regulations as outlined below.

IT IS THEREFORE ORDERED THAT:

1. The Application of MoveMart, Inc. for a Class E Certificate of Public Convenience and Necessity be, and hereby is, approved for authority to transport household goods between points and places in Richland, Lexington, and Aiken Counties.

2. MoveMart, Inc. shall file the proper license fees and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended, and by R.103-100 through R.103-241 of the Commission’s Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 26 (1976), as amended, and R.38-400 through 38-503 of the Department of Public Safety’s Rules and Regulations for Motor Carriers, S.C. Code Ann.

Vol. 23A (1976), as amended, within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.

3. Upon compliance with S.C. Code Ann. Section 58-23-10, et seq. (1976), as amended, and the applicable Regulations for Motor Carriers, S.C. Code Ann., Vol. 26 (1976), as amended, a Certificate of PC&N shall be issued to MoveMart, Inc. authorizing the motor carrier services granted herein.


4. Prior to compliance with the above referenced requirements and receipt of a Certificate of PC&N, the motor carrier services authorized herein may not be provided.

5. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)